

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

2001 SEP 20 P 4: 19

SENSITIVE

MUR: 4979

DATE COMPLAINT FILED: February 28, 2000

DATE OF NOTIFICATION: March 3, 2000

DATE AMENDED COMPLAINT FILED: March 13, 2000

DATE OF NOTIFICATION OF AMENDED

COMPLAINT: March 20, 2000

DATE ACTIVATED: March 19, 2001

EXPIRATION OF STATUTE OF

LIMITATIONS: February 15, 2005

COMPLAINANT: Mark Brewer, Chair
Michigan Democratic State Central Committee/Federal Account

RESPONDENTS: Bush for President, Inc.
and David Herndon, as treasurer
Oakland County Republican Party
and Mary Kathryn Decuir, as treasurer¹
John Engler
Candice Miller
Cox, Hodgman & Giarmarco, P.C.
Gilbert "Gil" Cox
Andrew T. Baran
Century 21 AAA North²
Charles W. Reaume
The Meade Group, Inc.³
Barron Meade

¹ This respondent was notified of the complaint as "Oakland County Republicans and David M. Leo, Treasurer." The Oakland County Republican Party responded to the complaint. Mary Decuir is the current treasurer.

² Information from Michigan's Department of Consumer and Industry Services, and Dun & Bradstreet, Inc. reports show that Century 21 AAA North is a registered assumed name ("d/b/a") of AAA Real Estate North, Inc. of Michigan. Hereinafter, the companies will be referred to individually and collectively as Century 21 AAA North, the entity identified in the amended complaint.

³ Information from Michigan's Department of Consumer and Industry Services, and Dun & Bradstreet, Inc. reports show that this company operates under several registered assumed names ("d/b/a"), including Meade Lexus of Southfield and Meade Lexus of Lakeside. The company was notified of the complaint through Meade Lexus of Southfield. Hereinafter, the companies will be referred to individually and collectively as The Meade Group, Inc. or Meade Lexus.

RELEVANT STATUTES: 2 U.S.C. § 437g(a)(1), (5)(C), and (6)(C)
2 U.S.C. § 437g(d)
2 U.S.C. § 441b(a)
11 C.F.R. § 100.7(a)(1)(iii)(A) and (B)
11 C.F.R. § 111.4
11 C.F.R. § 114.9(d)

INTERNAL REPORTS CHECKED: Commission Reports and Indices

FEDERAL AGENCIES CHECKED: None

I. INTRODUCTION

This matter was initiated by a complaint filed by Mark Brewer, Chair of Michigan Democratic State Central Committee/Federal Account, who alleged that George W. Bush's presidential campaign committee, Bush for President, Inc., John Engler, former Michigan governor, and Candice Miller, former Michigan secretary of state, knowingly and willfully violated 2 U.S.C. § 441b, by using corporate facilities and telephones of several Michigan corporations for phone banks supporting George W. Bush during the 2000 Presidential election. Based on news reports, the complaint alleged that the Michigan corporations provided their facilities without receiving proper reimbursement. The complaint included information identifying three of the corporations and several of their corporate officials, who were notified of the complaint and have been made respondents in this matter.

This report recommends that the Commission take no action and close the file as to the respondents in this matter, because it is unclear that the violations complained of occurred and further investigation of the phone bank activity would not be worthwhile based on the minimal dollar amounts involved and the cost of investigating the matter.

II. FACTUAL AND LEGAL ANALYSIS⁴

A. Complaint

The complaint alleges that the Bush campaign, Engler, and Miller knowingly and willfully violated 2 U.S.C. § 441b(a) by using facilities and telephones of Michigan corporations to promote the candidacy of George W. Bush for President. The complaint noted that on February 3, 1999 the Commission unanimously approved a Final Audit Report on the Michigan Republican State Committee for the 2-year period January 1, 1993 through December 31, 1994. Among the apparent violations discovered in that audit were illegal contributions by 72 corporations from the use of their telephones and facilities for get-out-the-vote activities on behalf of the 1992 Presidential candidacy of former President George Bush. The complaint alleges that despite the prior Commission finding and warning, Bush for President, Inc., Engler, and Miller solicited and accepted illegal contributions of corporate facilities and telephones.

As proof that the phone banks were conducted, the complaint included a February 15, 2000 letter from Engler showing that he solicited volunteers for a statewide network of phone banks to gain votes for Bush in the February 22, 2000 Michigan Republican Presidential primary election. In the letter, Engler solicited individuals to vote for Bush in the primary election and to volunteer for the Bush for President phone banks. The letter specifically stated, "I need you, your family, friends, and neighbors to support George W. Bush for President on Tuesday, February 22." In the letter, Engler advised that he had attached a spreadsheet of Bush supporters who were operating phone banks and requested that volunteers contact the phone bank operators

⁴ All of the events relevant to this matter occurred prior to November 6, 2002, the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. 107-155, 116 Stat. 81 (2002). Accordingly, unless specifically noted to the contrary, all references or statements of law in this report regarding the Federal Election Campaign Act of 1971, as amended, pertain to that statute as it existed prior to the effective date of BCRA. Similarly, all references or statements of law regarding the Commission's regulations pertain to the 2002 edition of Title 11, Code of Federal Regulations, published prior to the Commission's promulgation of any regulations under BCRA.

1 directly to assist in the effort. The letter included the following statement in its conclusion: "So,
2 for the sake of our party and nation, I'm asking you to vote for Governor Bush on February
3 22nd." The letter contained the following disclaimer at the bottom of the letter - "Paid for by the
4 Governor's Leadership Fund."⁵ Although the complaint referred to and provided a copy of the
5 letter, it did not specifically allege violations regarding the letter.

6 Citing to a New York Times article, the complaint states that many Michigan
7 corporations were solicited to "turn over" their facilities and telephones for the Bush for
8 President phone banks. The complaint cited to statements in the article that Gilbert "Gil" Cox,
9 the chairman of Cox, Hodgman & Giarmarco, P.C., a law firm in Troy, Michigan, stated that he
10 had agreed to a request from Oakland County Republicans to use the firm's headquarters.⁶ See
11 Keith Bradsher, *After Fight in South Carolina Comes the Battle of Michigan*, N.Y. Times,
12 February 20, 2000, at A1. The article also included statements by Miller that she had arranged
13 for 560 volunteers to work in shifts on 300 phones at local corporations to solicit votes for
14 George W. Bush. The complaint also referred to a February 20, 2000 television news report
15 showing phone banks that allegedly were set up by Miller at car dealerships in Macomb County,
16 Michigan. Finally, the complaint cited another newspaper article reporting that by February 21,
17 2000 the Macomb County phone banks alone had made 15,000 phone calls. See Chad Selweski,
18 *Bush Not Only Has Advantage in Funds, but an Army of Grass-roots Volunteers*, Macomb Daily,

⁵ The disclaimer also included a post office box address. This Office was unable to locate any entity named "Governor's Leadership Fund." However, we located a federal committee named "Governor Engler Leadership Fund" that is registered with the Commission. According to the Commission's records, the committee was registered with the Commission on October 19, 1999 as a nonconnected independent PAC and became a multicandidate committee on April 19, 2000. The committee listed a postal address identical to the one shown on the disclaimer, except for the last digit of the zip code. In addition, the committee's 2000 April Quarterly Report shows disbursements of \$5,610 in federal funds on February 15, 2000 for postage and \$175.96 of allocable joint federal and non-federal funds on February 8, 2000 for stationery. The letter described in the main text was dated February 15, 2000.

⁶ Information from Michigan's Department of Consumer and Industry Services shows that Cox was a director of the Cox law firm during the relevant period.

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February 21, 2000, at A1.

In an amendment to the complaint, complainant provided copies of two additional newspaper articles indicating that the corporations had provided their facilities to Bush for President at no charge. One of the articles reported that, after the complaint in this matter was filed, the Bush campaign stated that it would reimburse the corporations for any cost associated with the phone banks. See Chad Selweski, *Campaign Phone Lines May Have Been Illegal*, Macomb Daily, March 5, 2000, at A1. The article further reported that some corporations offered use of their facilities without any expectation of reimbursement. According to the article, Charles W. Reaume, identified as a broker for Century 21 AAA North, said that he agreed to allow the Bush campaign to use his office without any discussion of reimbursement, and Barron Meade, general manager of Meade Lexus, said that there was a clear understanding that the dealership would be reimbursed.⁷ The article further stated that the Bush campaign advised that, in the days leading up to the primary election, 12 phone banks in Macomb County, manned by 125 volunteers, placed 15,000 calls urging voters to support Bush. Finally, the article reported that Bush's future campaign reports would show that all corporations were reimbursed fully.

The other article included with the amendment reported, in pertinent part, that spokespersons for Engler and Miller asserted that the Bush campaign would reimburse the corporations but acknowledged that they did not know if prices were negotiated in advance. See Paul Egan, *Democrats: GOP Broke Election Regulations*, Lansing State Journal, February 25, 2000, at 1A. The article also reported statements by Gil Cox that he did not intend to bill the Bush campaign for use of the telephones, stating that the law firm had donated use of its phones for prior campaigns without being reimbursed. According to the article, after being informed

⁷ Information from Michigan's Department of Consumer and Industry Services, and Dun and Bradstreet, Inc. reports show that Barron Meade was also Vice President of The Meade Group, Inc. during the relevant period.

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1 that federal election laws require reimbursement, Cox stated that he was unaware of the
2 reimbursement requirement but would send a bill to the Bush campaign if one was required. The
3 article further reported that after a few minutes Andrew Baran, Cox's partner, contacted the
4 newspaper to advise that the firm had made arrangements with the Bush campaign to be
5 reimbursed.⁸

6 **B. Responses**

7 Based on the complaint and amended complaint, the following entities and individuals
8 were made respondents in this matter: Bush for President, Inc. and David Herndon, as treasurer;
9 Oakland County Republican Party and Mary Kathryn Decuir, as treasurer; John Engler; Candice
10 Miller; Cox, Hodgman & Giarmarco, P.C.; Gilbert "Gil" Cox; Andrew T. Baran; Century 21
11 AAA North; Charles W. Reaume; The Meade Group, Inc.; and Barron Meade. This Office
12 received responses to the complaint from all respondents, except Charles W. Reaume and
13 Century 21 AAA North.⁹

14 **1. Oakland County Republican Party**

15 In its response, the Oakland County Republican Party denied any involvement in the
16 phone banks at issue and asserted that its bylaws specifically prohibit it from being involved in
17 contested primary elections. The committee further stated that the newspaper reports of Cox's
18 alleged statements of its involvement in the phone banks are incorrect and that Cox
19 acknowledged in subsequent telephone communications with the Oakland County Republican
20 Party that he may have mistakenly identified the committee in his statements to the press.

21

⁸ Information from Michigan's Department of Consumer and Industry Services shows that Baran was a director of the Cox law firm during the relevant period.

⁹ Information from Michigan's Department of Consumer and Industry Services, and Dun & Bradstreet, Inc. reports show that Charles W. Reaume was President and registered agent of the company during the relevant period.

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2. Cox, Hodgman & Glarmarco, P.C.
Gilbert "Gil" Cox
Andrew T. Baran

In a joint response, Cox and the law firm denied the allegations and requested that the complaint be dismissed as to them. Cox and the law firm acknowledged that the Bush campaign used the firm's telephones to encourage prospective voters to vote for Bush in the Michigan Republican primary. They advised that the phone banks were organized by Robert Kennedy, of the Bush campaign, Andrew Baran, a partner with the firm, and Veronica Aiuto, office manager of the firm. However, Cox and the law firm claim that Kennedy made it clear that the Bush campaign would pay for all associated costs and, in fact, provided the firm with the appropriate reimbursement forms shortly after the primary. Cox provided a signed and sworn statement attesting to his receipt of the initial telephone call from Kennedy and his referral of Kennedy to Baran, and corroborating the firm's position. Baran and Aiuto also provided signed and sworn statements in support of the firm's assertions. In particular, those statements assert that Kennedy specifically advised Baran that the firm would be reimbursed by the Bush campaign. In his sworn statement of March 15, 2000, Baran advised that the firm was in the process of submitting the requested reimbursement documentation to the Bush campaign. In her statement, Aiuto asserted that her only involvement was assisting Baran in making the arrangements for the phone banks, including communicating with Kennedy.

Baran was named a respondent in the amended complaint. In his response of April 3, 2000, Baran denied any violations and referred to his prior sworn statement on behalf of the firm. He added that the firm had already submitted reimbursement documents to the Bush campaign and requested that the complaint be dismissed as to him, Cox, and the firm. In his April 3, 2000 response to the amended complaint, Cox reiterated the assertions made in his prior response.

3. Meade Lexus

In its response, Meade Lexus asserted that the company properly billed the Bush campaign for the cost of the telephones the campaign used at the dealership the weekend prior to the February 22, 2000 Michigan primary and provided an invoice and other documents supporting the company's assertions. The invoice was undated, but an accompanying document authenticating the phone bank's costs and charges is dated March 24, 2000. In the response, Meade Lexus also stated that the invoice was submitted on March 24, 2000. Meade Lexus explained that the invoice was submitted at that time because the company had to wait for its monthly telephone bill to determine the appropriate charges.

4. Bush for President, Inc.

In its response of April 10, 2000, the Bush committee asserted that the complaint is baseless and should be dismissed. The committee noted that the complaint appears to presume that the mere use of corporate facilities was unlawful and pointed out that the Commission's regulations at 11 C.F.R. § 114.9(d) permit such use when the company is reimbursed within a commercially reasonable time for the usual and normal costs of the facilities. The committee further asserts that it complied with the regulations, and cites references in the newspaper articles to statements by Baran that he was advised from the beginning that the Cox firm would be reimbursed for its costs. The Bush committee asserted that it received invoices from all the Michigan companies at which phone banks were conducted, including the respondent companies, and it issued reimbursement checks to all of those companies. The committee advised that it would disclose the reimbursements in its future FEC reports.

This Office's review of the Commission's indices and database shows that the Bush committee reported reimbursements for telephone expenses to several Michigan businesses

1 during the relevant period. The committee's 2000 April and May Monthly Reports show
2 disbursements ranging from \$6.02 to \$503.94 for telephone expenses to 44 businesses and other
3 entities in Michigan.¹⁰ In particular, the 2000 April Report shows that the Bush committee
4 reimbursed the Cox firm \$17.60 for telephone expenses on March 21, 2000. Reimbursements of
5 \$57.55 to Century 21 AAA North on April 11, 2000 and \$58.14 to Meade Lexus on April 5,
6 2000 were disclosed in the Bush committee's 2000 May Monthly Report, along with
7 reimbursements to 10 other businesses.

8 **5. John Engler and Candice Miller**

9 In their joint response, Engler and Miller questioned the sufficiency of the allegations and
10 asserted that the evidence in the complaint is decidedly lacking as it is based solely on newspaper
11 articles and a videotape of a news story. Engler and Miller also specifically denied that they
12 solicited individuals for use of corporate facilities and telephones in violation of the Act. As
13 with the Bush committee's response, which they incorporated by reference, Engler and Miller
14 also cited the Commission's regulations at 11 C.F.R. § 114.9(d), which permit use of corporate
15 facilities under certain conditions. Engler and Miller further asserted that the Bush committee
16 complied with the regulation and requested that the complaint be dismissed as to them.¹¹

¹⁰ Among the entities were two congressional committees, six entities with names that appear to be individuals, and the Governor's Leadership Fund, which was reimbursed \$496.13 on March 27, 2000 for telephone expenses. In its July Quarterly Report the Governor Engler Leadership Fund reported receiving an identical amount (\$496.13) from the Bush committee on May 3, 2000. The street address of the Governor's Leadership Fund as reported in the Bush committee's report is identical to the street address of the Governor Engler Leadership Fund on file with the Commission.

¹¹ Engler did not specifically address the February 15, 2000 letter in his response to the complaint.

C. Law

The Federal Election Campaign Act of 1971, as amended ("the Act") prohibits corporations from making contributions or expenditures in connection with a Federal election and prohibits a political committee from knowingly accepting or receiving corporate contributions. 2 U.S.C. § 441b(a). That provision also prohibits any officer or any director of any corporation from consenting to any contribution or expenditure by the corporation. *Id.* This broad prohibition extends to "anything of value" given to any candidate or campaign in connection with any Federal election.¹² 2 U.S.C. § 441b(b)(2).

The Commission's regulations at 11 C.F.R. § 114.9(d) provide that persons who make any use of corporate facilities, such as using telephones, typewriters or borrowing office furniture, for activity in connection with a Federal election are required to reimburse the corporation within a commercially reasonable time in the amount of the usual and normal rental charge for the use of the facilities.

The Commission's regulations at 11 C.F.R. § 100.7(a)(1)(iii)(A) provide that "anything of value" includes all in-kind contributions. The regulations also provide that the provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services is a contribution. The amount of the contribution is the difference between the usual and normal charge for the goods and services at the time of the contribution and the amount charged the political committee. The regulations at 11 C.F.R. § 100.7(a)(1)(iii)(B) define "usual and normal charge" for goods or services as the price of those goods in the market from which they ordinarily would have been purchased at the time of the

¹² The Act defines an "expenditure" as "any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. § 431(9)(A)(i). The Act defines "person" as "an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons . . ." 2 U.S.C. § 431(11).

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1 contribution or the hourly or piecework charge for the services at a commercially reasonable rate
2 prevailing at the time the services were rendered.

3 The term "commercially reasonable time" is not defined in the Commission's regulations
4 and appears to have been rarely defined in enforcement matters or advisory opinions. In the one
5 matter in which the term has been specifically addressed, the Commission concluded that the
6 commercially reasonable time for payment for use of telephone facilities is within thirty (30)
7 days of being billed for the services. MUR 3191 (Christmas Tree Farm), General Counsel's
8 Report dated August 14, 1994 and corresponding Conciliation Agreement.¹³

9 **D. Analysis**

10 **1. Sufficiency of Complaint**

11 Engler and Miller challenged the sufficiency of the instant complaint. As discussed
12 below, this Office concludes that the challenge is unwarranted. In accordance with 2 U.S.C.
13 § 437g(a)(1), any person who believes a violation of the Act has occurred may file a complaint
14 with the Commission. Complaints must be in writing, signed, and sworn to by the complainant,
15 notarized, and made under penalty of perjury and subject to the provisions of 18 U.S.C. § 1001.
16 The Commission regulations also require that complainants provide their full names and
17 addresses, and strongly encourages the identification of each alleged respondent; identification of
18 the source for any information not made of the complainant's personal knowledge; the inclusion
19 of a clear and concise statement of the facts describing the alleged violation; and the attachment
20 of any available documentation supporting the facts alleged. 11 C.F.R. § 111.4. This Office
21 initially reviews complaints for compliance with the statutory requirements. Improper or

¹³ The conciliation agreement specifically stated at paragraph 20, page 5, "It is the Commission's finding that the commercially reasonable time for payment of telephone and telefax bills is thirty days." In the matter, the Commission found probable cause to believe that the corporation, Christmas Tree Farm, Inc., violated 2 U.S.C. § 441b(a) when it was not reimbursed by a candidate committee, Friends of Bill Zeff, within a commercially reasonable time for the use of the corporation's telephones and other facilities and services.

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1 deficient complaints are returned to the complainant with an explanation of the impropriety or
2 deficiency. The complaint in this matter was deemed technically sufficient because it met the
3 requirements of the Act and the Commission regulations.

4 Engler and Miller's joint assertion that the complaint is insufficient because it is based
5 solely on press reports is baseless. Complaints are routinely filed with the Commission and
6 matters are opened based on press reports. *See Federal Election Commission Directive No. 6* at
7 4. *See also, e.g.,* MUR 4291 (AFL-CIO), First General Counsel's Report dated April 29, 1997 at
8 2; and MUR 3672 (Cherry Payment Systems, Inc.), First General Counsel's Report dated
9 September 29, 1992 at 3.

10 2. Corporate Contributions

11 As some of the respondents pointed out, the Commission's regulations permit the use of
12 corporate facilities by federal campaigns provided that the campaign reimburses the corporation
13 within a commercially reasonable time in the amount of the usual and normal rental charge for
14 the use of the facilities. *See* 11 C.F.R. § 114.9(d). The Commission's records show that the
15 Bush committee reimbursed the respondent corporations and over 40 other Michigan businesses
16 or entities for use of their telephones. However, it is unclear that all of the reimbursements were
17 timely and at the appropriate rates. *See id.*

18 Of the three businesses complained of, reimbursement to at least two appears to have
19 been timely. It appears that the Bush committee reimbursed the Cox firm (6 days) and Meade
20 Lexus (12 days) within a "commercially reasonable time" after being billed. However, the
21 timing of the reimbursement is uncertain regarding Century 21 AAA North, which did not
22 respond to the complaint.

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1 It is also uncertain whether any of the reimbursements to the respondent companies were
2 at the "usual and normal charge."¹⁴ See 11 C.F.R. § 100.7(a)(1)(iii)(B). No information at all is
3 available concerning how the reimbursement to the Cox firm or Century 21 AAA North were
4 calculated. The only available information regarding the reimbursement rates is from Meade
5 Lexus. The company provided a copy of its invoice to the Bush committee, which shows that
6 the company charged and the Bush committee paid a rate of \$1.14 per-phone line-per day
7 multiplied by the number of phones used (a three-day total of 51 phones) ($\$1.14 \times 51 = \58.14).
8 However, it is not clear from the invoice that the rate conforms to the standard set forth in the
9 Commission's regulations, nor is it clear from the face of the invoice that Meade Lexus charged
10 overhead costs.

11 Although it is uncertain that the reimbursements complied with the Commission's
12 regulations, this Office does not believe that the activity warrants investigation. Based on the
13 small amounts of the respective reimbursements, it is unlikely that any resulting corporate
14 contribution would be material if it turns out that the reimbursements were not in compliance
15 with the Commission's regulations. As previously stated, the Bush committee's reimbursements
16 to the 44 Michigan entities range from \$6.02 to \$503.94; reimbursements to the three respondent
17 corporations were \$17.60, \$57.55, and \$58.14. Even in the event all of the reimbursements were
18 less than the usual and normal charge, it is unlikely that the amounts in violation would be

¹⁴ The "usual and normal charge" is not restricted to the "actual cost" of the facilities used. See Advisory Opinion 2000-20, n. 4. The Commission has included overhead cost, such as the use of office space, utilities and furniture to conduct the telephoning, in determining whether a reimbursement constitutes "usual and normal charge." See Advisory Opinion 1978-34. This Office also notes that "usual and normal charge" may be influenced by the type and nature of the facility and the industry involved. See MUR 3191, General Counsel's Report dated August 18, 1994 at 28. According to MUR 3191, "in situations in which a corporation normally operates as a vendor of the specific goods and services involved, the Commission has compared billing and timing of payments accorded a political committee/customer with that accorded other customers of the same corporation. In situations in which a corporation does not normally provide the goods and services at issue, . . . outside vendors who normally provide such goods or services are looked to for comparison." *Id.*

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1 material.¹⁵ Finally, determining the usual and normal rates might require significant

2 Commission resources if it became necessary to determine the applicable rates for comparable
3 services charged by comparable commercial vendors (if any could be found).

4 **III. CONCLUSION**

5 For the reasons just stated, this Office believes that it is appropriate for the Commission
6 to exercise its prosecutorial discretion to take no action and close the file in this matter.

7 Accordingly, this Office recommends that the Commission take no action and close the file with
8 respect to Bush for President Inc. and David Herndon, as treasurer; Oakland County Republican
9 Party and Mary Kathryn Decuir, as treasurer; John Engler; Candice Miller; Cox, Hodgman &
10 Giarmarco, P.C.; Century 21 AAA North; The Meade Group, Inc.; Gilbert "Gil" Cox; Andrew T.
11 Baran; Charles W. Reaume; and Barron Meade.¹⁶

12 **IV. RECOMMENDATIONS**

- 13 1. Take no action and close the file as to Bush for President, Inc. and David Herndon, as
14 treasurer.
15
16 2. Take no action and close the file as to Oakland County Republican Party and Mary
17 Kathryn Decuir, as treasurer.
18
19 3. Take no action and close the file as to John Engler.
20
21 4. Take no action and close the file as to Candice Miller.
22
23 5. Take no action and close the file as to Cox, Hodgman & Giarmarco, P.C.
24

¹⁵ If the reimbursement to Century 21 AAA North was untimely, or if any of the reimbursements to the respondent corporations were not at the appropriate rates, the respective corporations would have made contributions to the Bush committee, which would have accepted or received those contributions, in violation of section 441b of the Act. See 2 U.S.C. § 441b(a). See also 11 C.F.R. § 100.7(a)(1)(iii)(A).

¹⁶ As set forth in the main text, the complaint included a February 15, 2000 letter soliciting votes for George W. Bush and volunteers for the Michigan phone banks but did not allege violations regarding the letter. While the disclaimer on the letter may not be adequate under 2 U.S.C. § 441d(a) and the entity that paid for the letter may in fact be a registered federal committee named Governor Engler Leadership Fund, given our recommendation regarding the reimbursements, this Office also recommends that the Commission exercise its prosecutorial discretion to take no action regarding any violations arising from the February 15, 2000 letter. As also noted in the main text, the complaint included no allegations that the letter itself violated the Act.

6. Take no action and close the file as to Gilbert "Gil" Cox.
7. Take no action and close the file as to Andrew T. Baran.
8. Take no action and close the file as to Century 21 AAA North.
9. Take no action and close the file as to Charles W. Reaume.
10. Take no action and close the file as to The Meade Group, Inc.
11. Take no action and close the file as to Barron Meade.
12. Approve the appropriate letters.

Lawrence H. Norton
General Counsel

Date

9/30/23

BY:

Rhonda J. Vosdingh
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